



# Administrative Law Section

**CHAIR:**

J. Andrew Bertron, Jr.  
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**CHAIR-ELECT:**

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**SECRETARY:**

Seann M. Frazier  
101 E. College Ave.  
Tallahassee, FL 32301-7742  
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**TREASURER:**

Cathy M. Sellers  
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**IMMEDIATE PAST CHAIR:**

Patrick L. "Booter" Imhof  
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**BOARD LIAISON:**

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**P.U.L.C. CHAIR:**

Michael G. Cooke  
2540 Shumard Oak Blvd.  
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**EXECUTIVE COUNCIL:****Terms Expiring 2008:**

F. Scott Boyd  
Tallahassee  
Clark R. Jennings  
Tallahassee  
Deborah K. Kearney  
Tallahassee  
Bruce D. Lamb  
Tampa  
Wellington H. Meffert  
Tallahassee  
T. Kent Wetherell, II  
Tallahassee

**Terms Expiring 2009:**

Donna E. Blanton  
Tallahassee  
Allen R. Grossman  
Tallahassee  
Lisa S. Nelson  
Tallahassee  
Daniel E. Nordby  
Tallahassee  
Linda M. Rigot  
Tallahassee  
W. David Watkins  
Tallahassee  
William E. Williams  
Tallahassee

**SECTION ADMINISTRATOR:**

Jackie Werndl  
651 E. Jefferson St.  
Tallahassee, FL 32399-2300  
(850)561-5623

## Administrative Law Section Executive Council October 26, 2007 – 2:00 p.m.

### AGENDA

- I. CALL TO ORDER – Andy Bertron, Chair
- II. PRELIMINARY MATTERS
  - A. Consideration of Minutes
    1. June 28, 2007 – Executive Council/Annual Meeting
  - B. Treasurer's Report – Cathy M. Sellers
    1. 10/19/07 Detail Statement of Operations
    2. The Florida Bar Cost Allocation System
  - C. Chair's Report – J. Andrew Bertron, Jr.
    1. Agency for Persons with Disabilities Hearings – Volunteers for Training
    2. Administrative Orders Citation System – Recommendation to the Appellate Rules Committee
- III. COMMITTEE/LIAISON REPORTS
  - A. Continuing Legal Education – F. Scott Boyd
    1. Practice Before DOAH – Wellington H. Meffert
    2. Practice Before the PSC – Michael G. Cooke
  - B. Publications – Elizabeth W. McArthur
    1. Newsletter – Donna E. Blanton
      - a. Agency Snapshots – Amy W. Schrader
    2. TFB *Journal* – Deborah K. Kearney
  - C. Legislative – Wellington H. Meffert/Linda M. Rigot/ William E. Williams
    1. 2006 – 2008 Biennium Legislative Positions
  - D. Public Utilities Law – Michael G. Cooke
  - E. Membership – T. Kent Wetherell, II
  - F. Webpage – Daniel E. Nordby
  - G. Uniform Rules of Procedure – Linda M. Rigot
  - H. Board of Governors Liaison – Lawrence E. Sellers, Jr.
    1. Meeting Summary – August 17, 2007
  - I. Law School Liaison – Bruce D. Lamb
  - J. CLE Committee Liaison – M. Catherine Lannon
  - K. Council of Sections – Allen R. Grossman/Clark R. Jennings
  - L. Section/Division Liaison
    1. Environmental and Land Use Law – Cathy M. Sellers
    2. Health Law – Allen R. Grossman
    3. YLD Liaison – Rhonda Chung-DeCambre Stroman
  - M. DOAH Update – Lisa S. Nelson/Linda M. Rigot/T. Kent Wetherell, II

- IV. OLD BUSINESS
  - A. SFGAP Certification Update
  
- V. NEW BUSINESS
  - A. Executive Council Member Nomination/Election
  - B. Executive Council Meeting/Long Range Planning Retreat – Date/Location
  - C. Purchase of Broadband Aircard for Section Administrator
  
- VI. INFORMATIONAL
  - A. Executive Council List
  - B. 2007-08 Committee List
  
- VII. TIME AND PLACE OF NEXT MEETING
  - A. Jan./Feb. 2008 – Executive Council/Long Range Planning Retreat
  - B. Spring 2008 – TBD/As Needed
  - C. June 20, 2008 – Boca Raton Resort & Club, in conjunction with The Florida Bar Annual Convention
  
- VIII. ADJOURNMENT

**MINUTES**  
**ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL MEETING**  
**AND ADMINISTRATIVE LAW SECTION ANNUAL MEETING**

June 28, 2007

Orlando, Florida

*Draft: not yet reviewed or approved by Executive Council*

**I. CALL TO ORDER:** Executive Council Chair Booter Imhof called the meeting to order at 3:05 pm.

Present: Booter Imhof, Andy Bertron, Elizabeth McArthur, Seann Frazier, Kent Wetherell, Bill Williams, Linda Rigot, Scott Boyd, Debby Kearney, Allen Grossman, Donna Blanton, Cathy Sellers, Li Nelson, Bruce Lamb, Larry Sellers, Daniel Nordby, Mike Cooke, Joe Mellichamp, Nathan Skop, and Jackie Werndli.

Absent: Mary Ellen Clark, Cathy Lannon, Clark Jennings, Wellington Meffert, Cynthia Miller, and Dave Watkins.

**II. PRELIMINARY MATTERS:**

A. Minutes — April 5, 2007

The minutes of the April 5, 2007, Executive Council meeting were approved.

B. Treasurer's Report

Seann Frazier was late, due to an accident tying up traffic on the highway. Jackie Werndli addressed the June 8, 2007, section statement of operations, and handed out an updated report on revenues and expenses assigned so far to the section from the Pat Dore Administrative Law Conference. These are the best projections so far of what the bottom line will be as a result of The Florida Bar's new expense allocation system. The conference will be treated as a CLE program, instead of a section program, retroactive to last year's conference and from now on. The section will have latitude on setting fees for the conference even though it will not be a section program. The apparent bottom line is that with the expense allocations, it will be tough to break even for the live conference, because of the charges, but that the section should make that up with CLE tape/CD sales because they are very popular.

Jackie Werndli noted that some other sections were discontinuing audiotapes, and offering CLE programs on just CDs because many more are being sold in that format now. The section could save the additional \$750 per-format fee by doing this. On motion by Bruce Lamb, duly seconded, the council voted to eliminate audiotapes from CLE sales, and only offer CDs.

C. Chair's Report

Booter Imhof reported that the agency snapshots he had agreed to do were forthcoming for publication in the Newsletter, and he would save the rest of his comments for closing remarks.

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### III. COMMITTEE/LIAISON REPORTS

#### A. Continuing Legal Education

Seann Frazier reported that the certification review course would be held in Tallahassee on August 16-17, at the Civic Center. In addition, Cathy Sellers and Li Nelson were working on plans for the Practice Before DOAH program in November. Jackie Werndli will be talking to the Young Lawyers Division contacts about replaying the Basic Administrative Law program in the spring.

#### B. Publications

Debby Kearney reported that she has articles lined up for the The Florida Bar Journal, and Donna Blanton reported that she has articles promised for the Newsletter. However, more articles are always needed and welcome.

Donna Blanton noted that Amy Schrader will be helping with agency snapshots for the coming year, and urged members to help Amy by offering to cover agencies that had not yet been profiled, or that had been profiled a long time ago. Allen Grossman agreed to update the Department of Health snapshot, which was one of the first two agencies profiled when this feature was started years ago.

#### C. Legislative

Bill Williams reported that on June 27, 2007, Governor Crist vetoed the APA bill. The veto message was short, only mentioning the provision about not using agency statements after a challenge is filed, and also stated that the Governor's office will continue working with the Legislature and the JAPC on these issues.

Linda Rigot reported on several bills that passed, including SB 1270, regarding billing state universities for use of DOAH; HB 537, giving ALJs final order authority in election cases brought under Chapters 104 and 106; and HB 7203, establishing pilot projects with alternative expedited state review of local comp plan amendments under chapter 163.

#### D. Public Utilities Law

Mike Cooke reported that he will be coordinating a three-hour CLE program for telecom practitioners. He also introduced new Commissioner Nathan Skop in attendance, who was welcomed by council members.

#### E. Membership

Kent Wetherell reported that section membership was up a bit, but might go through a cyclical drop in the fall. He reported that the Tallahassee Bar Association had a very good panel discussion at the FSU College of Law, to speak with students about why to stay in Tallahassee for their legal careers. There was a disappointing turnout of students, but there was a very good panel, including DOAH ALJs Wetherell and Bruce McKibben, and Circuit Judge Farris. Information about administrative law section membership was made available at this panel presentation.

F. Webpage

Daniel Nordby reported that it has been a good year for the website, with ten years of Newsletters now available, plus a separate page of just the agency snapshots, along with a directory of agency general counsels that was published in a recent Newsletter. Listserv will get rolled out next week, and will start as announcements (one-way messages) only.

Discussion was had regarding whether Newsletters further back than ten years ago were available, and if so, whether they should be added to the website Newsletter archives. The council agreed that this would be a great resource if it could be done. Jackie Werndli said that she had all of the old newsletters in notebooks. Elizabeth McArthur volunteered to have the old newsletters scanned and sent to Daniel Nordby.

G. Uniform Rules of Procedure

Linda Rigot reported that there had been no notice yet of changes to the Uniform Rules as previously discussed at the last council meeting. She will continue to watch for notice of any proposed amendments.

H. Board of Governors Liaison

Larry Sellers reported that attorney grievance records were now available on The Florida Bar's website. In addition, lawyers can put information about their practice on the website, and this is a good tool that everyone should consider using. On the subject of professionalism, Justice Cantero is looking at adapting the Georgia mentoring model, where mentors are assigned to new lawyers, to implement in Florida.

I. Law School Liaison

Cathy Sellers reported that the presentation made at the FSU College of Law went well, with 25-30 students attending. Professors helped spread the word for the program and encourage attendance, but they agreed that they did not want to make attendance mandatory.

There was discussion about trying to put on a similar program at FAMU's law school in Orlando or at Barry College's law school. Kent Wetherell noted that DOAH hearings in Orlando are in the Zora Neal Hurst Building, which is connected to FAMU, and that perhaps they could arrange to have students observe DOAH hearings there. He agreed to make contact if someone could provide him the name of the administrative law professor there.

J. CLE Committee Liaison

Booter Imhof reported that he had attended the CLE Committee meeting this morning, and that it was noted that a feature of The Florida Bar's new website reporting on disciplinary actions would be to include disciplinary actions based on failure to comply with CLE requirements. In addition, lawyers can access their own reports showing their compliance status in the current reporting period, and should check

periodically, since this information is no longer included on mailing labels on The Florida Bar Journals and Newsletters.

K. Council of Sections

No report.

L. Section Liaison

1. Environmental and Land Use Law – No news to report.
2. Health Law – The section is putting on a CLE program tomorrow; otherwise no news to report.
3. YLD Liaison – No report.

M. DOAH Update

Linda Rigot reported that DOAH was rehired by the Senate to be special masters for claims bills. ALJs Kent Wetherell, Bram Canter, and Eleanor Hunter handled these last year. June McKinney is a new DOAH ALJ, assigned to the South Florida division.

N. Appellate Court Rules ad hoc Committee

No news to report.

**IV. OLD BUSINESS**

None.

**V. NEW BUSINESS**

Annual officer and council elections: The Nominating Committee presented its recommendations for officer and council positions, as follows:

**Officers:**

Chair-elect	Elizabeth McArthur
Secretary	Seann M. Frazier
Treasurer	Cathy M. Sellers

**Executive Council:**

Terms expiring 2009:

Donna E. Blanton  
Allen R. Grossman  
Lisa S. Nelson  
Linda M. Rigot  
W. David Watkins  
William E. Williams  
Daniel E. Nordby

Term expiring 2008:

Deborah K. Kearney

**P.U.L.C. Chair:**

Michael G. Cooke

The floor was opened up for additional nominations, and there were none. The slate recommended by the Nominating Committee was moved, seconded, and unanimously approved.

Other new business: Andy Bertron reported that Rhonda Chung-DeCambre Stroman had agreed to serve as Young Lawyers Division Liaison again this year. However, she said that she would have to drive from Gainesville to attend meetings, and she requested that the council agree to reimburse her for mileage and authorize a per diem amount to cover one night's hotel stay. After discussion, the request failed for lack of a motion.

Outgoing Chair's Remarks: Booter Imhof made his closing remarks as Chair. He stated it was an honor to serve as the Chair of the Administrative Law Section, and he was very appreciative of all of the help everyone had given him throughout the year, particularly Andy Bertron who had come to his aid in covering meetings. He also thanked Elizabeth McArthur for serving as editor of the Administrative Law Section, and presented her with a plaque for her decade of service. After presentation of gifts to members of the council, he turned the gavel over to the incoming chair, Andy Bertron.

Incoming Chair's Remarks: Andy Bertron, the incoming Chair, thanked Booter Imhof for his service to the section, and presented him with a bronze bust of Thomas Jefferson. Andy spoke to the need to continue to build on the efforts recently started to recruit new interested and hard-working members to become involved in section committees, and ultimately, the executive council. He circulated his list of committee and liaison assignments for 2007-2008, and noted the goal for each committee to recruit at least one member who is not on the executive council as a way to extend involvement in section activities and leadership. A copy of the list of Committees and Liaisons for 2007-2008 is attached to these minutes.

On motion, duly seconded, the meeting was adjourned at 4:30 pm.

Respectfully submitted,

Elizabeth McArthur  
Secretary



	September 2007 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
<b>Administrative Law</b>				
31431 Section Dues	360	27,845	27,500	101.25
31432 Affilliate Dues	0	100	50	200.00
31433 Admin Fee to TFB	(263)	(15,473)	(19,290)	80.21
<b>Total Dues Income-Net</b>	<b>97</b>	<b>12,472</b>	<b>8,260</b>	<b>150.99</b>
<b>Other Revenues</b>				
32012 Sct Share Online CLE	0	0	700	0.00
32191 CLE Courses	3,966	3,966	5,000	79.32
32293 Section Differential	50	205	0	*
35700 Member Service Progr	0	0	5,000	0.00
38499 Investment Allocatio	4,982	4,982	12,106	41.15
39999 Miscellaneous	0	0	150	0.00
<b>Other Income</b>	<b>8,998</b>	<b>9,153</b>	<b>22,956</b>	<b>39.87</b>
<b>Total Revenues</b>	<b>9,095</b>	<b>21,625</b>	<b>31,216</b>	<b>69.28</b>
<b>Operating Expenses</b>				
51101 Employee Travel	0	0	1,306	0.00
84001 Postage	0	27	208	12.98
84002 Printing	0	1	2,808	0.04
84003 Officers Office Expe	0	0	500	0.00
84006 Newsletter	1,294	1,294	3,000	43.13
84007 Membership	0	0	500	0.00
84009 Supplies	0	0	50	0.00
84010 Photocopying	0	4	156	2.56
84051 Officers Travel Expe	0	0	2,500	0.00
84052 Meeting Travel Expen	0	0	3,000	0.00
84054 CLE Speaker Expense	0	0	100	0.00
84101 Committee Expenses	0	0	500	0.00
84201 Board Or Council Mee	0	0	600	0.00
84202 Annual Meeting	0	0	1,950	0.00
84205 Section Service Prog	0	0	5,000	0.00
84209 Retreat	0	0	4,500	0.00
84299 Public Utility Comm	0	0	500	0.00
84301 Awards	0	0	600	0.00
84310 Law School Liaison	0	0	4,900	0.00
84422 Website	0	0	3,000	0.00
84501 Legislative Consulta	0	0	5,000	0.00
84701 Council Of Sections	0	0	300	0.00
84998 Operating Reserve	0	0	4,338	0.00
84999 Miscellaneous	0	0	500	0.00
<b>Total Operating Expenses</b>	<b>1,294</b>	<b>1,326</b>	<b>45,816</b>	<b>2.89</b>
<b>TFB Support Services</b>				
86431 Meetings Administrat	0	0	32	0.00
86543 Graphics & Art	245	717	1,870	38.34
<b>Total TFB Support Services</b>	<b>245</b>	<b>717</b>	<b>1,902</b>	<b>37.70</b>

	September 2007 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Administrative Law				
Total Expenses	1,537	2,043	47,718	4.28
Net Operations	7,558	19,582	(16,502)	(118.66)
21001 Fund Balance	0	199,292	172,945	115.23
Total Current Fund Balance	7,558	218,874	156,443	139.91

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	September 2007 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Administrative Law Conf				
Total Dues Income-Net	0	0	0	*
32001 Registrations	0	0	20,000	0.00
32201 Audio Tapes	0	0	3,750	0.00
Other Income	0	0	23,750	0.00
<b>Total Revenues</b>	<b>0</b>	<b>0</b>	<b>23,750</b>	<b>0.00</b>
36998 Credit Card Fees	0	0	323	0.00
61201 Equipment Rental	0	0	1,000	0.00
75102 1st Class & Misc Mai	0	0	50	0.00
81411 Promotional Printing	0	0	550	0.00
81412 Promotional Mailing	0	0	1,150	0.00
84001 Postage	0	0	25	0.00
84002 Printing	0	0	25	0.00
84061 Reception	0	0	1,700	0.00
84062 Luncheons	0	0	3,500	0.00
84252 A/V Equipment	0	0	700	0.00
86432 Time Taping Editing	0	0	1,800	0.00
88231 Speakers Travel	0	0	500	0.00
88241 Outline Prt-Inhouse	0	0	1,500	0.00
88252 Course Credit Fee	0	0	150	0.00
88261 Meeting Room Rent	0	0	2,000	0.00
88265 Refreshment Breaks	0	0	2,250	0.00
88281 A/V Cur Sup/Prod	0	0	2,000	0.00
<b>Total Operating Expenses</b>	<b>0</b>	<b>0</b>	<b>19,223</b>	<b>0.00</b>
83431 Time CLE Courses	0	0	4,000	0.00
86532 Advertising News	0	0	1,400	0.00
86543 Graphics & Art	0	0	297	0.00
86623 Registrars	0	0	4,230	0.00
<b>Total TFB Support Services</b>	<b>0</b>	<b>0</b>	<b>9,927</b>	<b>0.00</b>
<b>Total Expenses</b>	<b>0</b>	<b>0</b>	<b>29,150</b>	<b>0.00</b>
<b>Net Operating</b>	<b>0</b>	<b>0</b>	<b>(5,400)</b>	<b>0.00</b>
<b>Total Current Fund Balance</b>	<b>0</b>	<b>0</b>	<b>(5,400)</b>	<b>0.00</b>

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	September 2007 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Admin Law Admin Exp				
31433 Admin Fee to TFB	263	15,473	19,290	80.21
Total Revenues	263	15,473	19,290	80.21
Total Direct Charges	0	0	0	*
83715 Time-Admin Law	1,086	3,439	15,600	22.04
Total Time Allocations	1,086	3,439	15,600	22.04
Staff & Office	1,086	3,439	15,600	22.04
Travel	0	0	0	*
Other Expense	0	0	0	*
86001 Administrative Exp	221	477	5,773	8.26
ernal Services	221	477	5,773	8.26
Total Expenses	1,307	3,916	21,373	18.32
Net Operations	(1,044)	11,557	(2,083)	(554.82)

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## The Florida Bar Cost Allocation System

- A. Time distribution - all employees of The Florida Bar are required to submit weekly timesheets setting forth all actual time spent. That time is charged to either a program the employee is authorized to charge or an approved "non-billable" account (such as education, vacation or holiday). The weekly hours charged to a program are multiplied by each employee's charge rate. The resulting amount is an expense to the program (course or section for example.) The employee charge rate is the sum of three factors.
1. Salary
  2. Employment Benefits
  3. Common office costs. This includes items such as occupancy expense, telephone and supplies, which are attributable to the employee's home department. The total of these expenses is divided by the total expected charge hours for all employees in a work unit (Professional Development Pool, for example).
- B. CLE Administration is the expense needed to operate and manage the CLE business. The major items in this cost center are employee time for arranging facilities, paying for facilities and general management of the business. CLE Administration was also charged \$60,917 for labor to ship course manuals and media to locations and customer addresses (actual postage/shipping costs are directly charged to the course). Additionally, last year this cost center was charged \$186,731 for non-recurring system development. \$125,490 of this was paid from The Florida Bar General Fund's share of the profits and not allocated to the courses. The attached formula explains how this total cost is allocated to individual courses (Exhibit A).
- C. Audio/Video expenses are divided into three categories; taping, editing and media production. The expenses of the cost center are allocated based upon the employee time reports and the nature of the out of pocket expenses. Any non-CLE work performed (such as taping the interviews of the BOG public member applicants) is charged on the same basis as a course. The following table shows last year's final charge rate and the proposed rate for 2007-08.

<u>Charge</u>	<u>Last year's rate</u>	<u>This year's rate</u>
Taping on a hourly fee (includes a 3 hour setup charge)	\$201.00	\$227.15
Editing per format	\$80.00 per hour	\$90.50 per hour
Media production	\$6.70 per sale	\$7.60 per sale

II B 2(1)

- D. Registrars perform most sales functions necessary for excellent customer service. They are responsible for:
- a. Entering orders received in the mail or by telephone into the order processing system, verify pricing and addressing
  - b. Assisting members in course selection and processing routine correspondence.
  - c. Assisting members in navigating the storefront part of our web site.
  - d. Monitoring seating capacity and creating course rosters.
  - e. Processing cancellations, returned goods and preparing refunds.
  - f. Posting attendance to CLER credit file.
  - g. Posting revenue to the courses as it is earned.
  - h. Maintaining items on order listings to assist Professional Development staff in fulfilling their missions.
  - i. Sending invoices and following-up on collection of unpaid course fees.
  - j. Monitoring inventory of A/V media to enhance prompt shipments.
- The primary expense in the registrar function is employee time distributions (97 %). These costs are allocated at each "sale". Last year the cost was \$10 per accepted sale item. The forecasted rate for 2007-08 is \$11 per accepted sale item.
- E. General and administrative allocation is an allocation to each program of The Florida Bar for indirect overhead. 98% of the overhead items are Finance & Accounting, Information Systems Operations (not system development), Human Resources and Office Systems (word processing). The total allocated was \$2,994,000, with CLE being allocated \$320,000 and sections were responsible for \$233,000. The attached formula documents how the distribution is calculated (Exhibit B).
- F. Other cost allocations are as follow:
- a. Occupancy costs are allocated per square foot.
  - b. Telephone costs (other than conference calls) are allocated based upon the individual instrument's percentage of the total number of minutes used.
  - c. Graphic Arts has an hourly charge.
  - d. Mail room overhead has been allocated based upon the amount of postage used by each department.
  - e. Printing is based upon an impression charge for each type of printer. Other services, such as binding, are allocated on a per piece price.
  - f. Meetings department has an hourly rate for arranging meeting space outside of CLE and their own programs.
  - g. Advertising in "The Florida Bar News" is based upon the per column inch production costs (does not include expenses associated with content creation) multiplied by the number of column inches used in advertising the program.

**EXHIBIT A**

The CLE Administrative charge spreads the cost of CLE administration to the courses based upon the percent each course (regular, basic or PWP) total expenses are to the total of all courses.

$C_e$  = Course expenses

$C_t$  = Total CLE administrative expense

$C_a$  = CLE administrative expense allocated to a course

$$C_a = \left( \frac{C_e}{\sum C_e} \right) (C_t)$$

**EXHIBIT B**

G & A Allocation

The administrative charge (G&A) spreads the cost of Finance & Accounting (does not include Records or Registrars) Division Directors Administration and EUP, Personnel, Receiving, Word Processing and Information Systems Operations based on the percentage a programs expenditures are to the total program expenditures.

$A_d$  = Administrative charge to a department

$F_t$  = Finance & Accounting total cost

$D_n$  = Division Directors Administration and EUP net undistributed cost after time allocation

$P_t$  = Personnel total cost

$R_t$  = Receiving total cost

$Y_t$  = Total cost of all program departments

$W_t$  = Word Processing total cost

$I_t$  = IS Operations total cost

$Y_d$  = Total cost of a program department

$$A_d = \frac{Y_d}{Y_t} (F_t + D_n + P_t + R_t + W_t + I_t)$$

II B 2(4)



Section CLE Earnings Including the Non-Section Member Surcharge

	F/E 6/30/02	F/E 6/30/03	F/E 6/30/04	F/E 6/30/05	F/E 6/30/06	5 Year Average	F/E 6/30/07
Administrative Law	2,736	7,120	4,997	7,556	6,645	5,811	15,013
Appellate Law	5,508	5,149	9,064	5,641	9,192	6,911	2,148
Business Law	26,912	36,334	24,186	19,337	20,786	25,511	65,364
Criminal Law	18,530	17,578	23,668	24,611	16,565	20,190	65,301
Elder Law	16,837	12,658	19,119	14,221	15,160	15,599	37,647
Entertainment & Art	3,020	443	1,599	255	0	1,063	(254)
Environmental Law	20,822	24,625	21,645	20,969	26,733	22,959	43,524
Equal Opportunity Law	668	743	741	0	0	430	0
Family Law	24,322	11,612	18,225	16,035	56,844	25,408	66,838
General Practice	19,152	23,568	31,340	18,006	40,724	26,558	115,923
Government Lawyers	9,648	5,175	8,751	6,785	3,766	6,825	(5,155)
Health Law	4,154	7,912	14,414	6,278	11,730	8,898	(2,598)
International Law	22,257	21,221	28,481	36,934	26,372	27,053	44,127
Labor & Employment L	10,419	12,383	20,308	15,134	17,935	15,236	29,749
City County & Local Gc	15,514	16,384	21,692	15,789	17,436	17,363	37,743
Out of State Division	3,943	3,236	3,748	4,989	1,928	3,569	(10,473)
Pract Mgmt & Technok	135	(44)	0	613	3,905	922	(2,520)
Public Interest Law	2,974	1,163	2,035	1,233	1,828	1,847	1,365
Real Property, Probate	85,941	49,447	56,896	132,994	119,370	88,930	385,995
Tax Law	26,480	24,221	28,831	45,361	31,794	31,337	20,228
Trial Law	32,097	30,372	33,856	24,340	27,331	29,599	10,737
Workers' Compensatio	7,289	8,748	8,334	8,439	10,875	8,737	(1,142)
<b>Tot Section Profit from</b>	<b>359,358</b>	<b>320,048</b>	<b>381,930</b>	<b>425,520</b>	<b>466,919</b>	<b>390,755</b>	<b>919,560</b>

H B2(5)

Section Administrative Expense  
 FYE June 30, 2007

	Admin Fee Paid		Staff Time	G & A Exp	Total Expense	Refund to Section	Additional Paid by Section
	Minimum \$12.50	Refundable \$5.00					
Administrative	13,875	5,853	17,475	2,593	20,068		
Appellate	17,425	7,014	16,011	6,025	22,036	2,403	
Business	51,850	22,116	29,053	15,815	44,868	22,116	
Criminal	29,975	11,993	24,629	6,419	31,048	10,920	
Entertainment	9,625	4,480	10,442	2,368	12,810	1,295	
Elder	19,363	7,801	22,667	7,320	29,987		
Environmental	23,338	11,041	29,135	7,006	36,141		
Equal Opportunity	2,988	1,280	2,753	296	3,049		
Family	41,250	18,163	57,406	52,128	109,534	1,218	26,071
Government Lawyer	10,913	4,472	15,472	2,208	17,680		
General Practice	22,800	9,248	27,963	10,386	38,349		
Health	15,550	6,637	11,320	3,272	14,592	6,637	
International	10,638	5,013	20,256	5,747	26,003		
Labor	25,120	0	9,413	4,709	14,122		
City, County	19,400	7,913	24,833	6,124	30,957		
Out of State	12,500	6,454	12,071	2,523	14,594	4,360	
Public Interest	5,050	2,121	5,945	1,153	7,098	73	
Practice Management	8,300	3,322	12,908	1,542	14,450		
Real Property	111,613	46,673	64,331	56,906	121,237	37,048	
Trial	76,218	0	25,104	14,357	39,461		
Tax	23,375	10,025	35,659	15,044	50,703		1,743
Workers Comp	18,550	7,456	13,003	9,364	22,367	3,639	
	<u>569,713</u>	<u>199,072</u>	<u>487,849</u>	<u>233,305</u>	<u>721,154</u>	<u>89,709</u>	<u>27,814</u>

HB 2(6)

PRACTICE BEFORE THE PUBLIC SERVICE COMMISSION –  
Things You Should Know about Public Service Commission Ethics Requirements

Course Classification: Intermediate Level

One location: January 15, 2008  
Public Service Commission – 2540 Shumard Oak Boulevard  
Room 166, Easley Building  
Tallahassee, Florida – 850-413-6082

8:30 – 9 – Late registration

9- 9:45 – Dr. Robin Fiore, Adelaide R. Snyder, Professor of Ethics, Florida Atlantic University  
Ethics Rules and State Agencies: Ethics rules are more than requirements of acceptable professional conduct; by understanding specific ethics rules in relation to the important values they are meant to protect, rule-following can be transformed from compliance to commitment.

9:45 – 10:30 – Unique ethics issues for the Public Service Commission – Chapter 350, Fla., Stats., provisions on ex parte matters, communications generally, rules on gifts, and Sunshine Law.

10:30 – 11 – Public Service Commission Clerk will describe the Clerk's procedures

11-11:15 – Break

11:15 – 12:00 – Case studies – PSC attorneys will provide real-world examples of potential ethics violations and discuss best practices.

Registration fee

\$50 for all attendees. To register, send form to: The Florida Bar, CLE Programs, 651 E. Jefferson Street, Tallahassee, Fla. 32399-2300 with a check in the appropriate amount payable to the Florida Bar.

III A 2 (1)

**Administrative Law Section**  
**2006-2008 Legislative Biennium**  
**July 28, 2006**

1. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation, that undermines the rule-making requirements of the Administrative Procedure Act by allowing statements of agency policy without formal rule-making.
2. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation to deny, limit or restrict points of entry to administrative proceedings under Chapter 120, *Florida Statutes*, by substantially affected persons.
3. Opposes exemptions or exceptions to the Administrative Procedure Act, but otherwise supports a requirement that any exemption or exception be included within Chapter 120, *Florida Statutes*.
4. Supports voluntary use of mediation to resolve matters in administrative proceedings under Chapter 120, *Florida Statutes*, and supports confidentiality of discussions in mediation; but opposes mandatory mediation and opposes imposition of involuntary penalties associated with mediation.
5. Supports uniformity of procedures in administrative proceedings under Chapter 120, *Florida Statutes*, and supports modification of such procedures only through amendment of or exceptions to the Uniform Rules of Procedure.
6. Opposes amendment to Chapter 120, *Florida Statutes*, that limits, restricts, or penalizes full participation in the administrative process, in the absence of compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.

III C 1 (D)

The Florida Bar Board of Governors, at its August 17 meeting in Palm Beach, took the following actions:

- Approved a recommendation from the Board Review Committee on Professional Ethics that advertisements sent by lawyers to other lawyers are subject to Bar advertising rules. This recommendation is based upon the Supreme Court change to the advertising rules. The court declined to adopt the Bar's request for exempt lawyer to lawyer advertising. That overturned a vote by the Standing Committee on Advertising. The board, though, voted to have a moratorium on enforcing that position, as well on communications sent to former or current clients, while the Bar seeks additional rules changes to be submitted to the Supreme Court.

- Directed the Professional Ethics Committee to draft an ethics opinion on a lawyer's duty of confidentiality to a potential client who, unsolicited, gives the lawyer information about the client or a potential case. Board members said there is a problem when a lawyer agrees to represent a party in a case, and then another party, without checking with the lawyer, sends information with the goal of hiring the attorney for the same case. If the lawyer gets sensitive information from the second party, it could be grounds for disqualifying the lawyer from representing the first party in the case, they noted.

- Approved an amendment to Bar rules requiring written notice when a lawyer accepts a nonrefundable fee, such as a retainer, a flat fee, or an advance fee. Disciplinary Procedure Committee Chair Andy Sasso said many lawyers do not understand the difference between those types of fees and disputes frequently wind up in the Bar's grievance system.

- Heard, during a report from the Citizens Forum, that the Judicial Administration and Evaluation Committee is studying creating a questionnaire for judicial candidates to provide basic background information about the candidates' training, education, civic involvement, etc., for distribution to the public to help educate voters about the candidate's qualifications.

- Heard that the Bar is discussing with The Florida Bar Foundation and the Greenburg Traurig law firm the creation of a fellowship to study and encourage diversity in law firms, including small and medium size firms.

- Heard board member Eugene Pettis, chair of the Diversity Symposium Planning Committee, report that the panel is looking at revamping the Bar's Diversity Symposium to attract broader interest and participation. One change, he said, will be to hold the next symposium at the Bar's June 2008 Annual Convention.

- Endorsed, as submitted, the three-year-cycle rule amendments for Appellate Court Rules, rules of Judicial Administration, and Family Law Rules.

- Heard annual reports from The Florida Bar Foundation and the Judicial Qualifications Commission.

III H 1(1)



# Administrative Law Section



**CHAIR:**

Patrick L. "Booter" Imhof  
Florida Senate  
404 S. Monroe St.  
Tallahassee, FL 32399-1100  
(850)487-5957

**CHAIR-ELECT:**

J. Andrew Bertron, Jr.  
1983 Centre Pointe Blvd., Ste. 200  
Tallahassee, FL 32308-7823  
(850)224-7091

**SECRETARY:**

Elizabeth W. McArthur  
P.O. Box 10967  
Tallahassee, FL 32302-2967  
(850)425-6654

**TREASURER:**

Seann M. Frazier  
101 E. College Ave.  
Tallahassee, FL 32301-7742  
(850)222-6891

**IMMEDIATE PAST CHAIR:**

Deborah K. Kearney  
327 The Capitol  
404 S. Monroe St.  
Tallahassee, FL 32399-1300  
(850)488-7631

**BOARD LIAISON:**

Lawrence E. Sellers, Jr.  
P.O. Box 810  
Tallahassee, FL 32302-0810  
(850)425-5671

**P.U.L.C. CHAIR:**

Cynthia B. Miller  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-7019  
(850)413-6082

**EXECUTIVE COUNCIL:**

**Terms Expiring 2007:**

Donna E. Blanton  
Tallahassee  
Mary Ellen Clark  
Tallahassee  
Allen R. Grossman  
Tallahassee  
Lisa S. Nelson  
Tallahassee  
Linda M. Rigot  
Tallahassee  
W. David Watkins  
Tallahassee  
William E. Williams  
Tallahassee


**Terms Expiring 2008:**

F. Scott Boyd  
Tallahassee  
Clark R. Jennings  
Tallahassee  
Bruce D. Lamb  
Tampa  
M. Catherine Lannon  
Tallahassee  
Wellington H. Meffert  
Tallahassee  
Cathy M. Sellers  
Tallahassee  
T. Kent Wetherell, II  
Tallahassee

**SECTION ADMINISTRATOR:**

Jackie Werndli  
651 E. Jefferson St.  
Tallahassee, FL 32399-2300  
(850)561-5623

**MEMORANDUM**

To: Andrew Bertron, Chair  
From: Wellington Meffert, Chair   
Ad Hoc Nominating Committee  
Re: Report of the Ad Hoc Nominating Committee  
Date: October 11, 2007

Per your appointments, the Ad Hoc Nominating Committee, consisting of Kent Wetherell, David Watkins, and me, was convened to select a nominee to fill the vacancy created by Cathy Lannon's departure from the Executive Council.

The committee contacted persons who were recommended by council and section members, reviewed materials received from interested persons, and met on September 17, 2007, and October 4, 2007 to discuss the responses received.

We were fortunate in that the persons were of such caliber that any one of them would have made a great addition to the council. After considerable discussion and deliberation, the committee unanimously agreed to forward Shaw P. Stiller as our nominee for the position.

Shaw's resume and letter are attached. He is a superior administrative practitioner who has been a long time member of the section, and very active in section activities through his career. He participated in the 2004 Practice Before DOAH CLE, as well as a number of other CLE programs.

The committee urges the council's favorable consideration of the nominee, Shaw P. Stiller.

cc: Jackie Werndli

V A (1)



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
*"Dedicated to making Florida a better place to call home"*

**CHARLIE CRIST**  
 Governor

**THOMAS G. PELHAM**  
 Secretary

October 9, 2007

**By e-mail and First Class U.S. Mail**

Wellington H. Meffert, Esq.  
 General Counsel  
 Florida Housing Finance Agency  
 227 North Bronough Street  
 Suite 5000  
 Tallahassee, Florida 32301-1367

OCT 11 PM 1:00  
 COMMUNITY PLANNING  
 FINANCE CORPORATION

Dear Wellington:

Please accept this letter as my expression of great interest in serving on the Executive Committee of the Administrative Law Section of the Florida Bar. I have been heavily involved with administrative law for most of my legal career, have been a member of the Section for almost fifteen (15) years now, and believe I would be an asset to the Committee.

My first exposure to the practice of administrative law came in 1993 when I joined the firm of Broad and Cassel and became involved in certificate of need proceedings. Since 1997, I have been a member of the Department of Community Affairs' Office of General Counsel and have litigated several dozen growth management cases before the Division of Administrative Hearings, and have also drafted several declaratory statements. In my current position of General Counsel, Chapter 120 and I are never far apart.

Thank you for letting me know about this opportunity. Please contact me if you have any questions.

Sincerely,

Shaw P. Stiller  
 General Counsel

V A (2)

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100  
 Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781  
 Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

## SHAW PHILIP STILLER

1510 Hasosaw Nene  
Tallahassee, Florida 32301

Home: (850) 216-0442

Work: (850) 922-1685

Cell: (850) 510-6349

### EDUCATION:

#### **Loyola University**

New Orleans, Louisiana

Bachelor of Arts, 1988

Political Science (Major) and Philosophy (Minor)

Magna Cum Laude Graduate

Presidential Scholar

#### **Florida State University College of Law**

Tallahassee, Florida

Juris Doctor, 1991 (High Honors)

Order of the Coif

Law Review, Member (1989-1991) and Editor (1990-1991)

Moot Court, Member (1989-1991), Quarterfinalist in

National Civil Rights Competition (1990)

### LEGAL EXPERIENCE:

General Counsel (January 2007 - present)

State of Florida, Department of Community Affairs

Tallahassee, Florida

Assistant General Counsel (September 1996 - January  
2007)

State of Florida, Department of Community Affairs

Tallahassee, Florida

Associate (September 1994 - August 1996)

Apgar & Pelham

Tallahassee, Florida

Associate (September 1993 - September 1994)

Broad and Cassel

Tallahassee, Florida

Judicial Law Clerk (August 1991 - August 1993)

Chief Judge Maurice Paul

United States District Court for the Northern

District of Florida

V A (3)



**BAR MEMBERSHIP:**

Member of the Florida Bar, 1992. Member of the Administrative Law, Government, and Environmental and Land Use Law Sections

Member of the American Bar Association, 1993. Member of the Litigation Section

Member of the Tallahassee Bar Association, 1993

**PUBLICATIONS:**

Stiller, Florida's Federal District Courts Limit Substantive Due Process Claims In Land Use Disputes, Environmental Network (1995)

Stiller, The Role of Magistrate Judges in Civil Cases in the Northern District of Florida and An Overview of the Revised Local Rules for the Northern District of Florida, Federal Civil Litigation (Lorman Education Services, Inc. 1995)

Apgar, Stiller and Taylor, Florida Scenic Highways Program Manual, Chapter 7, "Protection Techniques" (Florida Department of Transportation, January 1996)

Apgar, Paull and Stiller, The Interface of Takings Law and Comprehensive Planning (CLE International Government Takings Conference, May 1996)

**RECENT PRESENTATIONS:**

"2002 Growth Management Legislation: A DCA Perspective," First Coast Chapter of the Florida Planning and Zoning Association (September 2002)

"Don't Come Round Here no More: Are Carrying Capacities the Answer?" University of Florida Public Interest Environmental Conference (February 2004)

"The Good, the Bad, and the Ugly: Ethical Dilemmas in Government Representation," American Bar Association, State and Local Government Section Annual Meeting (March 2004)

"The Future of the Florida Panhandle," Florida State University College of Law Environmental Law Forum (Spring 2004)

V A (4)

"Practice Before the Division of Administrative Hearings,"  
Administrative Law Section of the Florida Bar (May 2004)

"Administrative Challenges to Comprehensive Plan  
Amendments," CLE International (November 2004)

"Addressing Workforce Housing, Consumptive Use Permits,  
Water Supply, and Historic Preservation in Comprehensive Plans  
and Amendments," CLE International (June 2005)

"Department of Community Affairs Update" and "Damn that  
Traffic Jam: Proportionate Fair Share and Transportation  
Concurrency," 2006 Florida Bar Environmental and Land Use Law  
Update (August 2006)

"Comprehensive Plan Amendments and Administrative  
Challenges" and "Reflections on the Direction of Land Use," CLE  
International (December 2006)

"Department of Community Affairs Update," 2007 Florida Bar  
Environmental and Land Use Law Update (August 2007)

"Comprehensive Plan and Zoning Update," CLE International  
(September 2007)

V A (5)

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Williams , Bill	Office Phone: 850.222.7717 Office Fax: 850.577.3311	wwilliams@gray-robinson.com

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